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*Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

TIMOTHY and JEANNE DuFOUR and  
KENNETH TANNER, individuals, on  
their own behalves and on behalf of all  
others similarly situated,

Plaintiffs,

v.

BE., LLC, DYNAMIC SHOWCASES,  
LLC, California limited liability  
companies, MONTEREY FINANCIAL  
SERVICES, INC., a California  
corporations, BE MARKETING  
LIMITED, a private limited company  
registered in England and Wales, ERIK  
DeSANDO, BARRY FALCK, JACOB  
STEINBECK, and DOES 1-100, inclusive,

Defendants.

No. 09-03770-CRB

Judge Charles R. Breyer

**STIPULATION CONTINUING THE  
BRIEFING SCHEDULE FOR  
MONTEREY FINANCIAL SERVICES,  
INC.'S MOTION TO COMPEL  
ARBITRATION AND ~~PROPOSED~~  
ORDER**

**STIPULATION CONTINUING THE BRIEFING SCHEDULE FOR MONTEREY'S  
MOTION TO COMPEL ARBITRATION**

WHEREAS, on July 15, 2011, Defendant Monterey Financial Services, Inc. ("Monterey") filed a Motion to Compel Arbitration and Stay Action as to Plaintiff Tanner ("Motion") which set a hearing on the Motion for August 19, 2011;

WHEREAS, under the ordinary operation of the Civil Local Rules, Plaintiffs' Opposition is due on July 29, 2011, and Monterey's reply is due on August 5, 2011;

WHEREAS, counsel for Plaintiffs have prior commitments that would prejudice Plaintiffs' ability to effectively oppose to the Motion under the current briefing schedule;

THEREFORE, the parties hereby stipulate that:

1. The briefing schedule on the Motion shall be modified in the following manner: (a) Plaintiff's Opposition shall be filed by August 8, 2011; (b) Monterey shall file its reply brief on August 15, 2011; and (c) the hearing shall be set for September 2, 2011, at 10:00 AM in Courtroom 8, 19th Floor, San Francisco before the Honorable Charles R. Breyer (if the Court orders, it may be set for a date which is convenient to the Court).

2. Except as to the briefing schedule set forth herein, nothing in this stipulation and proposed order shall be construed or deemed to be a waiver of any other position or argument by any party as to any matter in this case, and in particular including Monterey's pending Motion (Dkt. #143) or Plaintiff's pending Motion to Compel (Dkt. #142).

Dated: July 18, 2010

By: s/Ethan Preston  
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Dated: July 18, 2011

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*Attorneys for Monterey Financial Services,  
Inc.*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: July 19, 2011

By: Honorable Charles R. Breyer  
United States District Court

